

SENATE AMENDMENTS

2nd Printing

By: Scott

H.B. No. 2488

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to a child's medical records by the child's
3 attorney ad litem, guardian ad litem, or amicus attorney.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 107.006, Family Code, is amended by
6 amending Subsections (a) and (c) and adding Subsection (d) to read
7 as follows:

8 (a) In [~~Except as provided by Subsection (c), in~~]
9 conjunction with an appointment under this chapter, other than an
10 appointment of an attorney ad litem for an adult or a parent, the
11 court shall issue an order authorizing the attorney ad litem,
12 guardian ad litem for the child, or amicus attorney to have
13 immediate access to the child and any information relating to the
14 child.

15 (c) Without requiring a further order or release, the
16 custodian of a [A] medical, mental health, or drug or alcohol
17 treatment record of a child that is privileged or confidential
18 under other law shall release the record [~~may be released~~] to a
19 person authorized to access the record [~~appointed~~] under Subsection
20 (a), except that a child's drug or alcohol treatment record that is
21 confidential under 42 U.S.C. Section 290dd-2 may only be released
22 as provided under applicable federal regulations [~~only in~~
23 ~~accordance with the other law~~].

24 (d) The disclosure of a confidential record under this

1 section does not affect the confidentiality of the record, and the
2 person provided access to the record may not disclose the record
3 further except as provided by court order or other law.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2011.

ADOPTED

MAY 19 2011

Atty. Gen.
Secretary of the Senate

By: Chris Harris

H.B. No. 2488

Substitute the following for ___B. No. _____:

By: Chris Harris

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to a child's medical records by the child's
3 attorney ad litem, guardian ad litem, or amicus attorney.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 107.006, Family Code, is amended by
6 amending Subsections (a) and (c) and adding Subsections (d), (e),
7 and (f) to read as follows:

8 (a) In [~~Except as provided by Subsection (c), in~~]
9 conjunction with an appointment under this chapter, other than an
10 appointment of an attorney ad litem for an adult or a parent, the
11 court shall issue an order authorizing the attorney ad litem,
12 guardian ad litem for the child, or amicus attorney to have
13 immediate access to the child and any information relating to the
14 child.

15 (c) Without requiring a further order or release, the
16 custodian of a [A] medical, mental health, or drug or alcohol
17 treatment record of a child that is privileged or confidential
18 under other law shall release the record [~~may be released~~] to a
19 person authorized to access the record [~~appointed~~] under Subsection
20 (a), except that a child's drug or alcohol treatment record that is
21 confidential under 42 U.S.C. Section 290dd-2 may only be released
22 as provided under applicable federal regulations [~~only in~~
23 ~~accordance with the other law~~].

24 (d) The disclosure of a confidential record under this

1 section does not affect the confidentiality of the record, and the
2 person provided access to the record may not disclose the record
3 further except as provided by court order or other law.

4 (e) Notwithstanding the provisions of this section, the
5 requirements of Section 159.008, Occupations Code, apply.

6 (f) Records obtained under this section shall be destroyed
7 on termination of the appointment.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2488 by Scott (Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to a child's attorney ad litem, guardian ad litem, or amicus attorney having access to the child's medical records without requiring a further order or release with certain exceptions in accordance with applicable federal regulations. To the extent the bill would amend court procedures, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, SD, JT, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2488 by Scott (relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to a child's attorney ad litem, guardian ad litem, or amicus attorney having access to the child's medical records without requiring a further order or release with certain exceptions in accordance with applicable federal regulations. To the extent the bill would amend court procedures, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, JT, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2488 by Scott (Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to a child's attorney ad litem, guardian ad litem, or amicus attorney having access to the child's medical records without requiring a further order or release with certain exceptions in accordance with applicable federal regulations. To the extent the bill would amend court procedures, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, JT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 1, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2488 by Scott (Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to a child's attorney ad litem, guardian ad litem, or amicus attorney having access to the child's medical records without requiring a further order or release with certain exceptions in accordance with applicable federal regulations. To the extent the bill would amend court procedures, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, JT